OIPE
AUG 07 2006
PATENT & TRADEMARK OFFICE

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DANIEL P.J. O'CONNOR
HARRIS K. SOLOMON +
ROBERTA G. STANLEY ++
JONATHAN M. STREISFELD
THOMAS R. TATUM

SCOTT P. CHITOFF
DANIEL C. CRILLY**
JAMES L. DAVIDSON
JOHN N. LAMBROS
PATRICIA E. MCQUEENEY**
QUENTIN E. MORGAN
ALAN L. RAINES
JONATHAN Z. SCHILLER

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* BOARD CERTIFIED REAL ESTATE LAWYER
++ BOARD CERTIFIED MARITAL AND FAMILY LAWYER
** REGISTERED PATENT ATTORNEY
◊ BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAWYER
□ BOARD CERTIFIED TAX LAWYER

August 3, 2006

**Via First Class Mail**

Mr. Vincent Stuart
Technical Center Others
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: RESERVE POWER CELL, LLC
Patent Application Entitled: **Multiple Battery System and Auxiliary Battery Attachment System;** Serial No. 10/604,703; Deposit Account No. 50-1111
Our File No. 013476-05187

Dear Mr. Stuart:

This letter is in furtherance of your letter dated July 27, 2006 informing us that the refund request for the above-referenced patent application was denied. Further to the November 23, 2005 submission in support of Request for Continued Examination claims 1-36 and 63-87 were inadvertently listed as withdrawn claims which were supposed to be listed as cancelled claims. Upon reviewing the Image File Wrapper from the U.S. Patent and Trademark Office ("PTO") website, we noticed that in accordance to the Claims Worksheet (PTO -2022) dated December 1, 2005 (a copy of which is enclosed), the PTO counted Claims 1-36 and 63-87 as being pending claims. These claims were already cancelled in response to the restriction requirement dated July 12, 2004. Furthermore, a Notice of Non-Compliance issued on January 25, 2006 indicating that claims 1-36 and 63-87 were improperly listed as withdrawn when they were previously cancelled. Therefore, a response was submitted on January 27, 2006 amending the claims accordingly such that claims 1-87 were correctly indicated as cancelled and claims 88-105 were indicated as "new" or added. Therefore, claims 88-105 constitute eighteen claims which remain pending in the above-referenced application, three of which are independent. These claims are covered by Applicant's original payment to examine eighty-seven (87) claims, of which four (4) were independent.

I am also enclosing a copy of the Claims Worksheet (PTO – 2022) and the Fee Worksheet (PTO-475) dated June 15, 2006, which indicates the total number of pending claims (eighteen) and that no additional fee is required. We are requesting a refund in connection with the above-referenced patent application. The charges were charged in error by the U.S. Patent and Trademark Office ("PTO").

In view of the above and the enclosed PTO worksheets, kindly refund the charge of 200.00 into our Deposit Account No. 50-1111.

If you have any questions, please feel free to contact me.

Very truly yours,

Daniel C. Crilly

DCC:cm
Enclosures
G:\WPFILES\CLIENTS\RESERVE POWER CELL\05187-PAT-MULT BATTERY SYSTEM (NO. 737)\REFUND-CLAIMS-PTO2.DOC
8/3/06

1 of 2

## CLAIMS ONLY

12-4-05

| Application Number | Filing Date |
|---|---|
| 10/604,703 | |
| Applicant(s) | |

* May be used for additional claims or amendments

| CLAIMS | AS FILED | | AFTER FIRST AMENDMENT | | AFTER SECOND AMENDMENT | |
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| Total Claims | | | 38 | | | |

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## CLAIMS ONLY

12/05

| Application Number | Filing Date |
|---|---|
| 10/604,703 | |

Applicant(s)

* May be used for additional claims or amendments

| CLAIMS | AS FILED | | AFTER FIRST AMENDMENT | | AFTER SECOND AMENDMENT | |
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RCE filed 11/23/06

PTO/SB/06 (12-04)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 10/604,703

## APPLICATION AS FILED – PART I

| FOR | (Column 1) NUMBER FILED | (Column 2) NUMBER EXTRA | SMALL ENTITY RATE ($) | SMALL ENTITY FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY FEE ($) |
|---|---|---|---|---|---|---|---|
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | | | | | | | |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | | | | | | | |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | | | | | | | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | minus 20 = | * | x = | | OR | x = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | minus 3 = | * | x = | | | x = | |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | | |
| | | | TOTAL | | | TOTAL | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

## APPLICATION AS AMENDED – PART II

AMENDMENT A — 11/23/06

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE ($) | SMALL ENTITY ADDITIONAL FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|
| Total (37 CFR 1.16(i)) | * 79 | Minus | ** 87 | = | x 25 = | | OR | x 50 = | |
| Independent (37 CFR 1.16(h)) | * 6 | Minus | *** 4 | = 2 | x 100 = | 200 | OR | x 200 = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | 180 | 180 | OR | 360 | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

AMENDMENT B

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | OR | RATE ($) | ADDITIONAL FEE ($) |
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| Total (37 CFR 1.16(i)) | * | Minus | ** | = | x = | | OR | x = | |
| Independent (37 CFR 1.16(h)) | * | Minus | *** | = | x = | | OR | x = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

United States Patent and Trademark Office
- Sales Receipt -

12/01/2005 PWALKER 00000001 501111 10604703

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1 of 2

**CLAIMS ONLY**

12-1-05

Application Number: 10/604,703

Filing Date:

Applicant(s):

* May be used for additional claims or amendments

| CLAIMS | AS FILED | | AFTER FIRST AMENDMENT | | AFTER SECOND AMENDMENT | |
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| Total Depend | | | 35 | | | |
| Total Claims | | | 38 | | | |

## CLAIMS ONLY

12-16 6/15/00

| Application Number | Filing Date |
|---|---|
| 10/604,703 | |
| Applicant(s) | |

* May be used for additional claims or amendments

| CLAIMS | AS FILED | | AFTER FIRST AMENDMENT | | AFTER SECOND AMENDMENT | |
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PATENT APPLICATION FEE DETERMINATION RECORD
Effective December 8, 2004

10/604703

## CLAIMS AS FILED - PART I

| | (Column 1) | (Column 2) |
|---|---|---|
| TOTAL CLAIMS | | |
| FOR | NUMBER FILED | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS | minus 20= | * |
| INDEPENDENT CLAIMS | minus 3 = | * |
| MULTIPLE DEPENDENT CLAIM PRESENT | | ☐ |

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐ OR OTHER THAN SMALL ENTITY

| RATE | FEE | | RATE | FEE |
|---|---|---|---|---|
| BASIC FEE | | OR | BASIC FEE | |
| X$ 25= | | OR | X$50= | |
| X100= | | OR | X200= | |
| +180= | | OR | +360= | |
| TOTAL | | OR | TOTAL | |

## CLAIMS AS AMENDED - PART II

AMENDMENT A 4/28/06

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA |
|---|---|---|---|---|
| Total | * 18 | Minus | ** 87 | = |
| Independent | * 3 | Minus | *** 4 | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | ☐ |

SMALL ENTITY OR OTHER THAN SMALL ENTITY

| RATE | ADDI-TIONAL FEE | | RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|
| X$ 25= | | OR | X$50= | |
| X100= | | OR | X200= | |
| +180= | | OR | +360= | |
| TOTAL ADDIT. FEE | | OR | TOTAL ADDIT. FEE | |

6/15/06

AMENDMENT B

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA |
|---|---|---|---|---|
| Total | * 18 | Minus | ** 87 | = |
| Independent | * 3 | Minus | *** 4 | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | ☐ |

| RATE | ADDI-TIONAL FEE | | RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|
| X$ 25= | | OR | X$50= | |
| X100= | | OR | X200= | |
| +180= | | OR | +360= | |
| TOTAL ADDIT. FEE | | OR | TOTAL ADDIT. FEE | |

AMENDMENT C

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA |
|---|---|---|---|---|
| Total | * | Minus | ** | = |
| Independent | * | Minus | *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | ☐ |

| RATE | ADDI-TIONAL FEE | | RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|
| X$ 25= | | OR | X$50= | |
| X100= | | OR | X200= | |
| +180= | | OR | +360= | |
| TOTAL ADDIT. FEE | | OR | TOTAL ADDIT. FEE | |

If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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